

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: 1 Replacement Sheet

REMARKS

This amendment is being filed in response to the Office Action having a mailing date of August 12, 2005. The Office Action indicated that claims 1-17 are pending. However, the applicant confirms that with the filing of this amendment, claims 1-4 and 6-17 are pending in the application, with claim 5 previously being canceled by the Preliminary Amendment of April 21, 2004.

I. Objections to the Drawing

In the Office Action, the Examiner objected to the drawings for not showing the “energy transfer unit is fixed internally to the pylon” (claim 4), “circuit breaker” (claims 12 and 13), “limiting wall” (claim 16), and “platform ... base” (claim 17). The Figure has been amended to show the feature of the “energy transfer unit is fixed internally to the pylon,” with such feature being shown in the broken line box. The specification is also revised to provide a corresponding description for the amended Figure. Support in the applicant’s original specification for the amended Figure and revised specification can be found, for example, in original claim 4 and in column 2, lines 7-27 of U.S. Patent No. 6,400,039. No new matter has been added in the amended Figure and in the revised specification. The applicant kindly requests the Examiner to approve the amended Figure and revised specification.

With regards to the “circuit breaker” recited in claims 12 and 13, circuit breakers are already shown at 24 in the existing Figure. With regards to the “limiting wall” recited in claim 16, a limiting wall is already shown at 34 in the existing Figure. With regards to the “platform ... base” recited in claim 17, the existing Figure clearly shows the platform 32 as having a (horizontal) base that supports the transformer 22, with the base being perpendicular to the limiting wall 34 and coupled to the limiting wall 34 such that the transformer 22 is enclosed on at least two sides (*e.g.*, on the bottom and at the right side) by the platform 32. Accordingly, since the features recited in claims 12-13 and 16-17 are already shown in the existing Figure, the applicant kindly request that the objection to the Figure with regards to these features be withdrawn.

II. Rejections in the Office Action

In the Office Action, the Examiner rejected claims 1-3 and 6-17 under 35 U.S.C. § 102(b) as being anticipated by German patent DE 196 15 795 A1 (hereinafter “the ‘795 patent”). Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘795 patent or Kirschbaum (U.S. Patent No. 4,357,542), and in further view of Hickey (U.S. Patent No. 5,254,876). For the reasons set forth below, the applicant respectfully disagrees with these rejections, and requests that the pending claims be allowed.

III. Discussion of Kirschbaum and Hickey in View of the Claims

Claim 1 recites “an energy transfer unit arranged on the platform” and “the weight of the energy transfer unit is supported only by the foundation.” Kirschbaum does not disclose, teach, or suggest these features. More specifically, even though Kirschbaum shows a wind power installation 10, comprising a generator 26 attached to a pylon 18, the pylon supported by a foundation, and a platform fixed to the pylon, Kirschbaum does not show the recited energy transfer unit. Indeed, the Examiner acknowledged on page 4 of the Office Action that Kirschbaum fails to teach a transformer.

More particularly, the applicant notes that Figure 3 and the accompanying description of Kirschbaum discuss a transformer 54. However, the transformer 54 is not shown as being “arranged on the platform” and/or having a weight that is “supported only by the foundation,” as recited in claim 1, and therefore claim 1 is novel over Kirschbaum.

To supply the missing teachings of Kirschbaum, the Examiner has cited Hickey. However, Hickey does not cure the deficiencies of Kirschbaum. That is, Hickey shows a converter 40 (if the converter 40 can even be construed as an “energy transfer unit”), but Hickey does not disclose, teach, or suggest the converter 40 being “arranged on a platform” and having a weight that is “supported only by the foundation”). Indeed, it appears in Figure 1A of Hickey that the weight of the converter 40 is not supported by any type of platform at all, and is instead simply coupled in series with electrical cables. Accordingly, claim 1 is allowable over both Kirschbaum and Hickey.

The applicants further note that there is also no motivation to combine Kirschbaum with Hickey. Kirschbaum in Figure 1 and column 3, lines 8-13 describes the generator 26 as providing the electrical energy directly to a utility line 25. Accordingly, there is no explicit disclosure, teaching, or suggestion of a separate energy transfer unit (such as a transformer) to provide the electrical energy to the line 25. Indeed, Kirschbaum teaches against the use of transformers by stating that the transformer 54 is costly, bulky, and an added maintenance component. *See, e.g.*, column 9, lines 26-29 of Kirschbaum. Accordingly because of this teaching against using a separate energy transfer unit in Kirschbaum, a person skilled in the art would not look to combine Hickey with Kirschbaum. Accordingly, claim 1 is further allowable over both Kirschbaum and Hickey, whether singly or in combination.

Claim 7 recites “weight of the energy transfer unit is supported only by the foundation and the energy transfer unit is fixed externally to the pylon.” As explained above, Kirschbaum does not disclose, teach, or suggest an energy transfer unit having a weight that is supported only by the foundation and/or that the energy transfer unit is fixed externally to the pylon. Hickey similarly does not disclose, teach, or suggest an energy transfer unit having a weight that is supported only by the foundation. Moreover, the converter 40 of Figure 1A of Hickey is located internally, and is not fixed externally to the pylon as recited in claim 7. Therefore, claim 7 is allowable over both Kirschbaum and Hickey, whether singly or in combination.

Claim 10 recites “an energy transfer unit affixed to and supported by the platform, the entire weight of the energy transfer unit being supported by said pylon.” As explained above, these features are not disclosed, taught, or suggested by Kirschbaum and Hickey, whether singly or in combination. Kirschbaum does not have the recited energy transfer unit, and/or the platform that supports the energy transfer unit, and/or the entire weight of the energy transfer unit being supported by the pylon. Hickey does not have the recited energy transfer unit supported by the pylon and/or the entire weight of the energy transfer unit being supported by the pylon. Accordingly, claim 10 is allowable.

IV. Discussion of the ‘795 Patent and Hickey in View of the Claims

Claim 1 is also allowable over the '795 patent, whether singly or in combination with Hickey or other reference. The '795 patent addresses the problem of providing a rotatable gearing or suspension for a plurality of wind power installations 9, 10 on a supporting construction 5, 8, 17. *See, e.g.*, Figures 2 and 5 of the '795 patent. The construction 5, 8, 17 is spanned over the track of a railway in such a way that trains 3 or other vehicles have enough space for movement through the construction. For example, according to Figure 6 and column 5, line 3 to column 6, line 44 of the '795 patent, it is clear that the problem being addressed is how to fit the construction over a two-way railroad track.

The supporting construction 5, 8, 17 is made up of a large number of different parts. These parts include a large number of girders 8 and 17 that are parallel (14) and lateral (8) to the railroad track 2. Moreover, there is a large number of props or supports 5 that support the construction. *See also* Figures 1 and 2 of the '795 patent. Additionally, the main purpose of the girders is to provide catenaries for a railway 3, as can be clearly seen in Figure 6 of the '795 patent. The whole construction 5, 8, 17 as described above are the normal props to carry the catenaries of the railway 3 and provides a body on which the pylons 10 of the wind rotors 9 can be rotated, as is clearly shown in Figures 6 and 7 in the '795 patent, for example.

In other words, it is clear that the supporting construction 5, 8, 17 as a whole provides a level on which multiple pylons 10 of wind power installations 9 can be installed. This means that not a single individual wind power installation is respectively and specifically supported by a single individual foundation 6 in the soil, but rather, it means that it is the supporting construction 5, 8, 17 itself that is supported by a number of foundations 6 in the soil. *See, e.g.*, Figure 6 of the '795 patent. This also means that the supporting construction 5, 8, 17 is also not a platform, which is allocated to any single pylon 10, but rather it is the supporting construction for all of the wind power installations.

Claims 1 and 7 recite "the pylon supported by a foundation," and claim 10 recites "a foundation coupled to and supporting said pylon." As explained above, these features are not present in the '795 patent. That is, the foundations 6 in the '795 patent collectively support the entire supporting construction 5, 8, 17, rather than each foundation 6 respectively and individually supporting the pylons 10 of the wind power installations 9.

Moreover, the supporting construction 5, 8, 17 as a whole supports the multiple different pylons 10, and cannot be attributed or allocated as supporting any specific single pylon 10. That is, it is clear in the '795 patent that it is not possible to identify any one of the individual foundations 6 as the foundation for a certain pylon 10. It is also further clear that it is not possible to allocate the weight of any of the wind power installations 9, 10 to a certain single individual foundation 6. The recitations in claims 1 and 7 that recite "the pylon" supported by a foundation and in claim 10 of a "foundation ... supporting said pylon" thus distinguish over the '795 patent.

Claims 1 and 7 recite that "the weight of the energy transfer unit is supported only by the foundation," and claim 10 recites "the entire weight of the energy transfer unit being supported by said pylon." These features are not disclosed, taught, or suggested by the '795 patent.

For example in Figure 6 of the '795 patent, a transformer 15 is shown. However, the transformer 15 is placed on a cross brace 8 that is part of the whole framework for the supporting construction 5, 8, 17. Accordingly, the weight of the transformer 15 is carried by the whole framework 5, 8, 17 and cannot be allocated to a single vertical prop 5. Moreover as can be seen from Figures 6 and 7 of the '795 patent, the transformer 15 is not located symmetrically to any of the props 5--this is done so that the weight of the transformer 15 cannot be divided equally to each single prop 5.

Therefore, the recitations in claims 1 and 7 of "the weight of the energy transfer unit is supported only by the foundation" are not met, since the transformer 15 of the '795 patent is in no way supported only by the foundation 6 (or other structure) sandwiched between the framework 5, 8, 17 and the pylons 10 of each wind power installation 9. In fact, the transformer 15 is not even attached to a pylon 10 but is instead separately supported from the pylon 10 by the cross brace 8--thus, the recitations "the entire weight of the energy transfer unit being supported by said pylon" in claim 10 are not met. Accordingly, claims 1, 7, and 10 are allowable over the '795 patent.

The applicant further notes that there is only one transformer 15 shown in the '795 patent. The transformer 15 is provided for all the wind power installations that are arranged

on the supporting construction 5, 8, 17. Thus, the transformer 15 of the '795 patent cannot be regarded as the energy transfer unit (*e.g.*, the transformer) for any single one of the wind power installations 9, 10. Independent claims 1, 7, and 10 clearly recite a wind power installation having the energy transfer unit, and are thus further allowable over the '795 patent.

Hickey does not cure the deficiencies of the '795 patent. Hickey does not disclose, teach, or suggest the structures recited in claims 1, 7, and 10, as well as the recited energy transfer unit having its weight supported by the structure. Accordingly, claims 1, 7, and 10 are allowable over both Hickey and the '795 patent, whether singly or in combination.

V. Conclusion

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900.

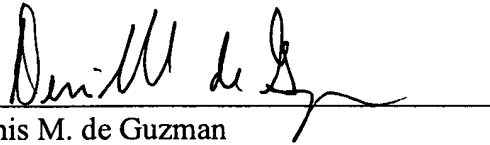
The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/829,481
Reply to Office Action dated August 12, 2005

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "Dennis M. de Guzman", is written over a horizontal line.

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Enclosures:

Postcard

1 Sheet(s) of Replacement Drawings

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